

**FILED**

**February 07, 2011**

**Clerk, U.S. Bankruptcy Court**

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON**

IN RE

DONALD E. McCOY, III,

Debtor.

DONALD E. McCOY, III,

Plaintiff,

**VS.**

**BNC MORTGAGE, INC; MORTGAGE  
ELECTRONIC REGISTRATIONS SYSTEMS,  
INC; US BANK, NA; FINANCE AMERICA, LLC;  
LEHMAN BROTHERS HOLDINGS, INC; and  
IMPACT ONE MORTGAGE SVCS,**

Defendants.

Bankruptcy Case  
No. 10-63814-fra13

Adversary Proceeding  
No. 10-6224-fra

**Order re: Motion to Dismiss**

A Memorandum Opinion has been entered contemporaneously herewith and, based thereon, it is hereby

**ORDERED** that Defendants' Motion to Dismiss is **DENIED** as to Claim 1 - Wrongful Foreclosure, and **GRANTED** as to Claim 2 - Quiet Title, and further

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1       **ORDERED** that Plaintiff is granted 14 days from the date of the entry of this order to replead his  
2 claim to quiet title in a manner that satisfies the standards described in the Court's Memorandum Opinion..  
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FRANK R. ALLEY, III  
Chief Bankruptcy Judge